IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 24861 of 2004

Between:

Ch. Ramesh Conductor, E. 255322, S/o Shambulingam
aged about 33 years,R/o H. No. 18-90/11,

Nakerekal, Nalgonda District

..... PETITIONER

AND

1 The Divisional Manger, APSRTC., Nalgonda Division,

Nalgonda District
2 The Depot Manager, APSRTC., Nalgonda Bus Depot,

Nalgonda District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or Writ more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in issuing the proceedings No. 02/62(15)/94-NLG, dt 24-3-1995 as illegal, arbitrary and unjust and consequently set a side the proceedings No. 02/62(15)/94-NLG, dt 24-3-1995 issued by the 2nd respondent.

Counsel for the Petitioner: MR.G.RAVI MOHAN

Counsel for the Respondents: MR.V.T.M.PRASAD

The Court at the admission stage made the following:

ORDER:

Declaring the action of the 2nd respondent in imposing major penalty vide proceedings No.02/62(15)/94-NLG dated 24.03.1995, as illegal and arbitrary, the present writ petition is filed.

The petitioner is working as a Conductor in the respondent Corporation. He was charged for an irregularity in collecting fare and issuing tickets to the passengers. He submitted his explanation. The 2nd respondent passed an order on 24.03.1995 without conducting any enquiry by imposing a penalty of deferment of annual increment for a period of one year, which shall have effect on future increments of the petitioner. Hence the writ petition.

2. The grievance of the petitioner is that since it is a major punishment, it cannot be maintained unless it is imposed after holding an enquiry and giving an opportunity to the petitioner. Therefore, he approached this Court through this writ petition to declare that the action of the respondents is illegal and to direct the respondents to add the deferred increment.

3. It is well settled that denial of increments with cumulative effect tantamount to a major penalty, and such penalty cannot be imposed by the disciplinary authority without holding a regular departmental enquiry in terms of relevant service regulations.

4. Having regard to the facts and circumstances of the case, the punishment of major penalty of deferment of annual increment for a period of one year with cumulative effect, imposed by the 2nd respondent, can be reduced with slight modification. Therefore, the impugned order of punishment is modified as deferment of annual increment for a period of one year without cumulative effect. The petitioner is not entitled for the difference of the amount if any by virtue of this Order, but he is entitled to get the increment on notional calculation from the date of this Order to which he is entitled.

5. The writ petition is, accordingly, disposed of. No costs.

dsr

ASSISTANT REGISTRAR

To:

1. The Divisional Manager, APSRTC,

Nalgonda Division, Nalgonda District

2. The Depot Manager, APSRTC,

Nalgonda Bus Depot, Nalgonda District

3. Two CD copies.